

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

RICHARD ROBINSON

PLAINTIFF

v.

Civil No. 6:16-cv-6036

MAJOR P. ARNOLD, et al.

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed December 7, 2016, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 6). Plaintiff is a prisoner currently incarcerated in the Arkansas Department of Correction Ouachita River Unit. Plaintiff filed a *pro se* action pursuant to 42 U.S.C. § 1983 alleging that his constitutional rights were violated because he is required to wear a spit-mask and restraints while undergoing his kidney dialysis treatment. (ECF No. 1). Judge Bryant recommends that Plaintiff's claims against all Defendants should be dismissed pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i-iii) and 1915A(a) because none of Plaintiff's allegations can be construed as valid claims for violation of federal law or the United States Constitution. In addition, Judge Bryant recommends that the dismissal of the action be considered a "strike" pursuant to 28 U.S.C. § 1915(g).

No party has filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Upon review, the Court adopts the Report and Recommendation *in toto*. Accordingly, Defendant's motion is **DISMISSED WITHOUT**

PREJUDICE. In addition, the Clerk of Court is directed to place a § 1915(g) strike flag on the case.

IT IS SO ORDERED, this 30th day of December, 2016.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge